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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 GLENN FLYNN WILSON,

No. C 11-5335 SI

9 Petitioner,

**ORDER TO SHOW CAUSE**

10 v.

11 ANTHONY HEDGPETH, Warden of the Salinas  
12 Valley State Prison,

13 Respondent.  
14 \_\_\_\_\_/

15 Petitioner Glenn Flynn Wilson has filed a petition for a writ of habeas corpus pursuant to 28  
16 U.S.C. § 2254. His petition is now before the Court for review pursuant to 28 U.S.C. § 2243 and Rule  
17 4 of the Rules Governing Section 2254 Cases.

18 This Court may entertain a petition for writ of habeas corpus “in behalf of a person in custody  
19 pursuant to the judgment of a State court only on the ground that he is in custody in violation of the  
20 Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A district court considering  
21 an application for a writ of habeas corpus shall “award the writ or issue an order directing the  
22 respondent to show cause why the writ should not be granted, unless it appears from the application that  
23 the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. Summary dismissal is  
24 appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or  
25 patently frivolous or false. *See Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990).


26 Petitioner claims that the state courts unreasonably rejected his claim that the trial court violated  
27 his Sixth and Fourteenth Amendment rights to present a complete defense when the trial court failed  
28 to give certain jury instructions. The Court finds that the claim raised in the petition is cognizable in

1 a federal habeas action. The clerk shall serve by certified mail a copy of this order, the petition and all  
2 attachments thereto upon respondent and respondent's attorney, the Attorney General of the State of  
3 California. The clerk shall also serve a copy of this order on petitioner and petitioner's counsel at the  
4 mailing address provided.

5 Respondent must file and serve upon petitioner, on or before **March 12, 2012**, an answer  
6 conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why  
7 a writ of habeas corpus should not be issued. Respondent must file with the answer a copy of all  
8 portions of the transcript that have been previously transcribed and that are relevant to a determination  
9 of the issues presented by the petition. If petitioner wishes to respond to the answer, he must do so by  
10 filing a traverse with the Court and serving it on respondent on or before **April 30, 2012**.

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12 **IT IS SO ORDERED.**

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14 Dated: December 19, 2011

  
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SUSAN ILLSTON  
United States District Judge